

**REMARKS**

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicant thanks the Examiner for acknowledging Applicant's claims for foreign priority, and for confirming that the certified copies of the priority documents have been received.

Applicant notes that the Examiner has inadvertently failed to confirm the acceptability of the filed drawings. Absent an indication to the contrary in the next official communication, Applicant believes the filed drawings to be acceptable.

Applicant also thanks the Examiner for acknowledging the Information Disclosure Statements that were filed on September 2, 2005 and December 15, 2008. However, with respect to the September 2, 2005 Information Disclosure Statement, the Examiner indicated that he did not consider any of the foreign patent documents, including Katsukawa (JP2002/0919785), Kitagawa (other document reference 7) and Shimazu (other document reference 8), on the grounds that copies of the documents and translations or a concise explanation of the relevance of the noted Japanese documents have not been provided. With respect to the December 15, 2008 Information Disclosure Statement, the Examiner asserts that a concise explanation of the relevance of the foreign document has not been provided.

Applicant respectfully traverses the Examiner's assertions, submitting that each document was properly cited and submitted, and thus, must be considered by the Examiner.

With respect to the foreign patent documents, and Katsukawa (JP2002/0919785), Kitagawa (other document reference 7) and Shimazu (other document reference 8) cited in the September 2, 2005 Information Disclosure Statement, Applicant notes that the filed Information Disclosure Statement set forth that these documents were cited in the International Search Report that issued in International Patent Application No. PCT/JP2004/011302. Thus,

copies of these document should have been forwarded by the International Bureau to the U.S. Patent and Trademark Office. Further, the relevancy of the cited documents is set forth in the International Search Report. In this regard, Applicant note that the Notice of Acceptance in this U.S. application indicates that a copy of the International Search Report was received. Thus, Applicant submits that these documents must be considered by the Examiner.

Furthermore, with respect to Katsukawa (JP2002/0919785), Applicant submits that this is not a Japanese document, as asserted by the Examiner, but a U.S. Patent Application Publication Number. That is, the proper citation for Katsukawa is US 2002/0919785 (emphasis added). The Patent rules do not require a copy of a U.S. Patent document to be submitted, nor that a statement of its relevancy be provided, to ensure consideration of the submitted document. Thus, Applicant submits that Katsukawa must be considered by the Examiner.

With respect to the December 15, 2008 Information Disclosure Statement, the Examiner asserts that a concise explanation of the relevance of the foreign patent document was not provided. Applicant respectfully traverses this assertion, noting that the filed Information Disclosure Statement included an English language translation of the Chinese Office Action, along with a statement that “[t]he relevance of these documents, as ascertained with respect to the Chinese claims by the Chinese Examiner, is set forth in the Chinese Office Action”. Thus, Applicant submits a concise explanation of the relevance of the Chinese document was provided, and thus, the document must be considered by the Examiner.

In summary, Applicant submits that each and every document noted in the filed Information Disclosure Statements comply with all the requirements to ensure consideration of the cited documents. Thus, The Examiner is respectfully requested to indicate his consideration of each document in the next official communication. In this regard, Applicant includes copies of the previously filed PTO-1449 Forms herewith to facilitate the Examiner’s

indication of the consideration of the previously cited documents. The Examiner is respectfully requested to complete the PTO-1449 Forms and to return them with the next official communication to confirm his consideration thereof.

The Office Action objects to claim 10 for including acronyms. Claims 1-10 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Lastly, claims 1-10 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,867,494 to KRISHNASWAMY et al. Applicant respectfully traverses each and every objection and rejection.

By the current response, Applicant cancels claims 1-10 and submits new claims 11-25 for the Examiner's consideration. Claims 11, 18 and 20 are independent claims. New claims 11-25 have been drafted paying particular attention to the concern about the use of acronyms. Thus, Applicant submits that this ground of objection no longer exists, and respectfully requests that it be withdrawn.

Regarding the rejection under 35 U.S.C. 101, Applicant submits that the presently pending claims are directed to statutory subject matter. In this regard, the pending claims have been drafted so as to avoid the use of terms, such as, for example, "section", to preclude interpreting the claims as being directed to software per se. Applicant submits that the presently pending claims are tied to a machine or transform underlying subject matter to a different state or thing. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §101 rejection.

Applicant also respectfully traverses the 35 U.S.C. §102 rejection of claims 1-10, submitting that KRISHNASWAMY et al. fails to disclose each and every feature of the claimed invention.

Applicant submits that the Office Action selectively picks elements from

KRISHNASWAMY et al., but fails to show that KRISHNASWAMY et al. teaches a relay server apparatus having the claimed combination of features specified in the instant claims.

According to a feature of the claimed invention, a session is established between a client server and an application server through a relay server. A service is provided from the application server directly to the client server via another application session. Specifically, the presently claimed invention includes (a) establishing a session between the client terminal and the application server through the relay server and continuing this session while the application server delivers service to the client terminal; (b) establishing the application session directly between the client terminal and the application server and providing service from the application server directly to the client terminal; and (c) performing predetermined operations (including receiving a session establishment request, authenticating the client terminal, searching an application server, relaying the session establishment request, relaying a response from the application server, and relaying a confirmation request from the client terminal) when the relay server establishes a session between the client terminal and the application server.

The present invention provides the advantage that in a session establishment stage, the relay server carries out the user authentication, and therefore, an application server does not need to include the authentication function, simplifying the construction of the application server. See, for example, paragraph [0010] of the published specification of the present application.

Applicant submits that KRISHNASWAMY et al. fails to disclose (or even suggest) a relay server that integrally executes the functions recited in Applicant's independent claims. Specifically, Applicant submits that KRISHNASWAMY et al. fails to disclose or suggest at least that a relay server apparatus (1) establishes a session between a client terminal and an application server to deliver a service to the client terminal, and (2) performs predetermined

operations including receiving a session establishment request, authenticating the client terminal, searching an application server, relaying the session establishment request, relaying a response from the application server, and relaying a confirmation request from the client terminal, as required by Applicant's independent claims.

The Office Action proposes that the applied art of record teaches a frame relay system having a Web server (Fig. 40) that can establish a session between a user and a conference server (Fig. 110). Applicant submits that Welcome Server 450 in Fig. 40 authenticates user 452 at a login time and, after successful authentication, shows a service selection screen to user 452. The user selects an application (e.g., application server) on this service selection screen. See column 59, lines 1-25 of KRISHNASWAMY et al.

Applicant submits that the relay server of the presently claimed invention does not show a service selection screen to the client terminal after a successful authentication. Instead, the user in the presently claimed invention selects a desired service before authentication and, after successful authentication, the relay server searches an application server that delivers the desired service. Accordingly, Applicant submits that the Web server (i.e. Welcome Server 450) of KRISHNASWAMY et al. differs from the relay server of the present claimed invention.

The Office Action additionally equates the request receiver, the response relayer, and the confirmation relayer, recited in claim 1 as being disclosed in Figs. 11 and 12 of KRISHNASWAMY et al. Applicant submits that the directory service disclosed in Figs. 11 and 12 do not relay a request/response from one PC to another PC. Applicant submits that the directory service in KRISHNASWAMY et al. is a private database for a company or organization that subscribes to a VNET service, or a national or worldwide database for all customers of a service provider. See, for example, column 108, lines 1-5 of KRISHNASWAMY et al. Thus, Applicant submits that the directory service disclosed in Figs.

11 and 12 of KRISHNASWAMY et al. differs from the relay server of the presently claimed invention.

In view of the above, Applicant submits that KRISHNASWAMY et al. fails to disclose each and every feature that is recited in independent claims 11, 18 and 20, which is required to set forth an anticipation rejection under 35 U.S.C. 102. Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. 102 rejection, and to indicate the allowability of independent claims 11, 18 and 20.

Further, Applicant notes that claims 12-17, 19 and 21-25 depend from independent claim 11. Applicant submits that these claims are allowable for at least the same reasons discussed above with respect to claim 11, and additionally, for the combination of features recited in each dependent claim. Accordingly, the Examiner is respectfully requested to also indicate the allowability of all the dependent claims.

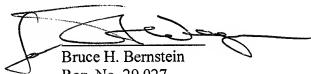
#### SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the claims to enhance clarity and to emphasize features of the present application.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Naoyuki MOCHIDA

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal line.

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